UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,700	11/02/2001	David Carroll Challener	RPS9 2001 0400 US2	4416

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ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communicati n appears on the c ver sh et with th correspondenc address* --

Period for R ply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8,18-25 and 27* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) *9=17* is/are allowed.

6)☒ Claim(s) *1-6,8,18-25 and 27* is/are rejected.

7)☐ Claim(s) *7 and 26* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 November 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

This is in response to the amendments filed 07/19/04.

1.   *Response to Arguments*

Applicant's arguments filed 07/19/04 have been fully considered but they are not

persuasive.

Applicant argues: Grawrock doesn't discloses: creating a non-migratable storage tree

with the storage root key, wherein the migratable storage tree and the non-migratable storage tree

are identically structured. In response, Grawrock clearly discloses: creating a non-migratable

storage tree with the storage root key, wherein the migratable storage tree and the non-migratable

storage tree are identically structured as TCPA Protected storage migration and non-migration,

TOE must provide the mechanisms to create and identity the tree a storage entity is in migratable

or non-migratable, ensure that the label once set never changes and manage the migration,

backup and recovery of storage entities see page 18, lines 1-25, see also page 67.

Applicant argues: Grawrock doesn't discloses: creating a non-migratable storage tree and

the migratable storage tree by a trusted computing module in accordance with the Trusted

computing platform alliance. In response, Grawrock clearly discloses: creating a non-migratable

storage tree and the migratable storage tree by a trusted computing module in accordance with

the Trusted computing platform alliance as TCPA (Trusted Computing Platform Alliance)

Protected storage migration and non-migration, TOE must provide the mechanisms to create and

identity the tree a storage entity is in migratable or non-migratable, ensure that the label once set

never changes and manage the migration, backup and recovery of storage entities see page 9 the

definition of TOE and page 18, lines 1-25.

Applicant argues: Grawrock doesn't discloses: migratable storage tree comprises

migratable keys and user key, wherein the non-migratable storage tree comprises non-migratable

keys and a user key. In response, Grawrock clearly discloses: migratable storage tree comprises

migratable keys and user key, wherein the non-migratable storage tree comprises non-migratable

keys and a user key as user access control policy is the user key, encrypted data between data

and keys, Eencrypted keys is the non-migratable keys that no way for data to enter the key

handling module, also all the keys defined in page 19 are provided by TCPA for security transfer

protect cryptographic data assets when they are being transmitted to and from the TOE see page

whole page 19.

Applicant argues: Grawrock doesn't discloses: the non-migratable storage tree will

include non-migratable storage keys corresponding to each migratable storage key in the

migratable storage tree. In response, Grawrock clearly discloses: the non-migratable storage

tree will include non-migratable storage keys corresponding to each migratable storage key in

the migratable storage tree as TOE provide the mechanisms to identity the tree a storage entity is

in migratable or non-migratable, to protect the data transfer see page 67-78.

Applicant argues: Grawrock doesn't discloses: wherein use authorization in the non-

migratable storage tree will be identical to use authorization in the migratable storage tree. In

response, Grawrock clearly discloses: wherein use authorization in the non-migratable storage

tree will be identical to use authorization in the migratable storage tree as for security transfer,

TOE provide a protected storage mechanism for migration and non migration the tree a storage

entity, migration and non-migratable label set never changes therefor they are identical to use authorization, see page 67-68.

Applicant argues: Grawrock doesn't discloses: requesting load a key from a migratable storage key and load a key from a non migratable storage key. In response, Grawrock clearly discloses: requesting load a key from a migratable storage key and load a key from a non migratable storage key as the commands O.Input_inspection and O.Integ_data mark is require for downloads and transfer with another trusted product by using a protocol for data transfer that will permit error detection and correction see page 21.

2. *Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-6, 8, 18-25 and 27 stand rejected under 35 U.S.C. 102(e) as being anticipated by David Grawrock "TCPA TPMPP" version 0.45, sep 14, 2000.**

Regarding claims 1 and 18, Grawrock discloses: In a data processing system, a method comprising the steps of creating a migratable storage tree with a storage root key (the tree a storage entity in migratable, page 18, Grawrock); and creating a non-migratable storage tree with the storage root key (the tree a storage entity in non-migratable,page 18, Grawrock), wherein the migratable storage tree and the non-migratable storage tree are identically

structured with corresponding keys and authentication data (TCPA security policy, page 18,

Grawrock).

Regarding claims 2 and 19, all the limitations of these claims have been noted in the

rejection of claims 1 and 18. In addition, Grawrock discloses: wherein the migratable storage

tree and the no migratable storage tree are created by a trusted computing module in accordance

with Trusted Computing Platform Alliance (TCPA, page 18, Grawrock).

Regarding claims 3 and 20, all the limitations of these claims have been noted in the

rejection of claims 1 and 18. In addition, Grawrock discloses: wherein the migratable storage

tree comprises migratable keys and a user key, wherein the non-migratable storage tree

comprises non-migratable keys and a user key (page 19-20, Grawrock).

Regarding claims 4 and 22, all the limitations of these claims have been noted in the

rejection of claims 1 and 18. In addition, Grawrock discloses: wherein the non-migratable

storage tree will include non-migratable storage keys corresponding to each migratable storage

key in the migratable storage tree (page 26, Grawrock).

Regarding claims 5 and 24, all the limitations of these claims have been noted in the

rejection of claims 1 and 18. In addition, Grawrock discloses: wherein use authorization in the

non-migratable storage tree will be identical to use authorization in the migratable storage tree

(page 16, Grawrock).

Regarding claim 6, all the limitations of this claim have been noted in the rejection of

claim 1. In addition, Grawrock discloses: further comprising the steps of requesting a

migratable storage key; and requesting a non-migratable storage key (page 18, Grawrock).

Regarding claim 8, all the limitations of this claim have been noted in the rejection of

claim 1. In addition, Grawrock discloses: further comprising the steps of : when a key loading

request is made for a migratable storage key, loading a key from the non-migratable storage tree

instead of loading a corresponding key form the migratable storage tree as the commands

O.Input_inspection and O.Integ_data mark is require for downloads and transfer with another

trusted product by using a protocol for data transfer that will permit error detection and

correction see page 21.

Regarding claim 21, all the limitations of this claim have been noted in the rejection of

claim 18 above. In addition, Grawrock discloses: wherein the migratable storage tree comprises

migratable keys and encrypted user data wherein the non-migratable storage tree comprises

non-migratable keys and encrypted user data (page 19-20, Grawrock).

Regarding claim 23, all the limitations of this claim have been noted in the rejection of

claim 18 above. In addition, Grawrock discloses: wherein the non migratable storage tree will

include non-migratable storage keys corresponding to a subset of the migratable storage keys in

the migratable storage tree (5.1.0.8, page 28, Grawrock).

Regarding claim 25, all the limitations of this claim have been noted in the rejection of

claim 18 above. In addition, Grawrock discloses: wherein use authorization in the non-

migratable storage tree can be deduced from user authorization in the migratable storage tree

with additional data (page 30-32, Grawrock).

Regarding claim 27, all the limitations of this claim have been noted in the rejection of

claim 18 above. In addition, Grawrock discloses: wherein a migratable key can be transferred to

other trusted platform module chips and wherein a non-migratable key cannot be transferred to

other trusted platform module chips (page 35-36, Grawrock)

4.   *Allowable Subject Matter*

Claim 7 is objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim and

any intervening claims. The prior art of record and that encountered while searching for the

claimed invention fails to anticipate and/or suggest: in a data processing system, a method

comprising wherein the step of requesting a non-migratable storage key will identify a parent key

in the non-migratable storage tree that corresponds to the parent key in the migratable storage

tree.

Claims 9-17 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record and that encountered while searching for the claimed invention fails to

anticipate and/or suggest: in a data processing system, a method comprising the steps of wherein

the second command requests creating a non-migratable storage key with the given

authentication data and a second parent key which is determined from looking up a key that

corresponds to the first parent key in a database as recited in claim 9.

Regarding claims 10-17, these claims depend from claim 9 and are therefore allowable.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record and that encountered while searching for the claimed invention fails to

anticipate and/or suggest: in a data processing system, a method comprising wherein the use

authorization in the non-migratable storage tree is obtained by hashing the concatenation of the

user authorization in the migratable storage tree with a fixed string as recited in claim 26.

5.   *Conclusion*

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Public key infrastructure, Streetman et al. , ATI IPT Special report 00-06, April 2000.

Lam (U.S 5564037). Real time data migration system and method employing sparse

files.

Ginter et al. (U.S 6658568). Trusted infrastructure support system, method and

techniques for secure electronic commerce transaction and rights management.

Brown et al. (U.S 6618806). System and method for authenticating users in a computer network.

6.   *Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Cindy Nguyen
December 14, 2004

FRANTZ COBY
PRIMARY EXAMINER